

▪ **How Are Crime Victims
Compensated for Their Loss?**

If restitution is ordered, please understand that you may not receive payments for some time. The defendant(s) may have to obtain employment to earn the money to pay restitution. Payments are made to Court Administration, who will periodically forward a check to you for the amounts collected to that date.

If restitution is ordered, you may also obtain a civil judgment against the defendant. For further information, please contact the County Attorney's Office or Court Administration.

Some crime victims are also eligible for compensation for some of your economic losses from the **Minnesota Crime Victims Reparations Board**. Further information is available through the Rice County Attorney's Office or through the MN Crime Victims Reparations Board, 445 Minnesota Street, Suite 2300, St. Paul, MN, 55101-1515, Phone: 651/201-7300 – OR 888/622-8799, Fax: 651/296-5787
<http://www.ojp.state.mn.us>

If you have any questions or you need help finding services, please call the Victims Services Coordinator at the Rice County Attorney's Office.

As a victim of crime, Minnesota law provides you with specific rights. These rights can be found in Minnesota Statute 611A or you can visit www.ojp.state.mn.us.

Confidentiality Notice:

You are requested to provide certain information about yourself to the Rice County Attorney's Office and its Victim/ Witness Assistance Program. Some of this information may be classified as private data under the Minnesota Government Data Practices Act. Information gathered through telephone contacts or written correspondence with Victim/ Witness Assistance Program staff may be used by the Rice County Attorney's Office in responding to your rights and obligations as a crime victim and/or witness. **The information may be shared with Rice County Community Corrections, law enforcement or criminal justice system agencies, and other officials authorized by court order or statute who are entitled to such information.**

Complaint Process:

If your complaint is about another County department or law enforcement agency, you **can voice** your concern to the Victim/Witness Coordinator, the prosecutor or the County Attorney. We may be able to help you direct your complaint to the right person or agency. If your complaint is about our Victim/Witness Coordinator or the prosecutor who is handling your case, please talk to the County Attorney. If the County Attorney is not immediately available, our Office Manager can help you make an appointment. If your complaint is about our office in general, or if you think we have not responded to your needs, we invite you to direct your complaint to the Crime Victims Justice Unit at 888-622-8799.

Important Phone Numbers

- Rice County Attorney's Office - 507/332-6103
- Rice County Court Administration- 507/332-6107
- Rice County Community Corrections- 507/332-6106
- Rice County Social Services- 507/332-6115
TDD-507/332-6248
- Mothers Against Drunk Driving - 800/ITS-MADD
800/487-6233
- HOPE Center- 507/332-0882
800/607-2330
- 24-Hour Crisis Referral Services – Dial 211
OR 651/297-2100

If you believe your rights as a crime victim or witness have been violated, you may contact the Crime Victim Justice Unit, 651/201-7300 or 888/622-8799.

Important Information About My Case:

Court file Number(s): _____

Prosecuting Attorney: _____

Notes:

Adult Court Prosecution

Information for Crime Victims

The Rice County Attorney's Office Victim/Witness Program is designed to serve the needs of crime victims. This program was developed to help ease the physical, emotional and financial hardship caused by crime, and to reduce confusion and inconvenience that may be caused by involvement in the justice system.

This brochure explains how the Court system works when an defendant is charged with an offense. It is intended to help you understand your rights and the legal process.

For further information, contact the Rice County Attorney's Office, at 507/332-6103. Office hours are 8:00 a.m. – 4:30 p.m. Monday through Friday.



Rice County Attorney
John L. Fossum

General Information

A defendant has committed an offense against you, your family and/or your property. You may have questions about what happens after a charge is filed. This brochure is designed to answer many of these questions for you. Please read it carefully.

In Minnesota, a victim does not bring charges against an accused. A crime is considered a wrong against all people of the State. The County Attorney represents the State and is responsible for filing charges against an accused.

The legal process is different for adults than it is for juveniles. This brochure is intended to inform you of the adult legal process.

Investigation and Charging

The police or sheriff's department investigates an offense committed by a defendant. After the incident is reported, the officer conducts an investigation to decide if there is enough evidence to prove that the defendant committed the offense. If there is enough evidence, the officer forwards the reports to the City Attorney's Office or the County Attorney's Office for review.

Once the Attorney's Office receives the reports from the police, the attorney reviews the reports and determines what the defendant should be charged with. Once the complaint with the criminal charges is written, the complaint is taken to Rice County Court Administration so the judge can look at the complaint and make sure there is probable cause to charge the defendant with the criminal charges in the complaint. If the judge decides that there is probable cause, the judge signs the criminal complaint and the first hearing (Rule 5) is scheduled.

Adult Court Hearings

At the Rule 5/Arraignment hearing, the defendant is advised of his/her rights and of the charge(s). The defendant may be appointed a Public Defender or he/she can hire his/her own attorney.

The next hearing is a Rule 8 hearing. At the Rule 8 hearing, the judge will ensure that the defendant has an attorney. If the defendant is still in custody because of this crime, the judge may address the issue of bail. **Plea negotiations often occur at this hearing.** If you want to be advised of plea offers and have input, you should contact the prosecutor before the scheduled Rule 8 hearing.

A **Default Omnibus Hearing** is then scheduled. The purpose of the Default Omnibus hearing is to determine any possible legal issues before going to trial. The defendant may plead guilty or not guilty at this hearing.

A **Contested Omnibus Hearing** may be set at the Default Omnibus Hearing. The purpose of the Contested Omnibus Hearing is to discuss and present information to the court if the prosecutor and the defense attorney do not agree with some of the legal issues about the evidence. The judge usually makes a decision regarding the legal issues within 90 days of the hearing.

If the defendant pleads not guilty, the defendant may request a **Court Trial or Jury Trial**. At these hearings, testimony is heard from the witnesses and the evidence is presented to the court/jury. The judge makes the guilty/not guilty decision in a Court Trial and the members of the Jury make the guilty/not guilty decision in a Jury Trial. If the defendant pleads guilty, or is found guilty after a trial, the Judge may order a Social History (pre-sentence investigation),

which may include a Victim Impact Statement and information on restitution. In these cases, there is then a **Sentencing Hearing**, when the Judge imposes the sentence.

A subpoena is a court order for you to appear in court. If you are called to testify or receive a subpoena, read it carefully. It will have instructions on who you should call for court information and locations. You **cannot** ignore a subpoena, however if you have a scheduling conflict or have any questions, you should call whoever sent the subpoena. As a witness, you will receive a small payment for your time and mileage.

Your only obligation while testifying is to tell the truth. You are not there against any person or for any person.

Terms Used in Adult Cases

Restitution: for actual out-of-pocket costs you incur as a result of the offense may be reimbursed if ordered by the Judge as a condition of the defendant's probation. Your request for restitution must be in writing. The Rice County Attorney's Office will provide a form and can assist you in preparing your restitution request.

Victim Impact Statement: a Victim Impact Statement can be given orally or written and is presented to the judge. This statement allows the victim of the crime (you) to let the judge know how the crime has affected you emotionally, physically and financially. This statement is not about the defendant; it is about you.

Execution of Sentence: The defendant must complete the prison sentence that the judge orders. The judge may also order a "Stay of Execution" where the defendant would not have to complete the sentence as long as

he/she follows the conditions of release. The defendant will have a felony record.

Imposition of Sentence: The judge would order the defendant to prison. The judge may also order a "Stay of Imposition" where the defendant would not have to complete the sentence as long as he/she follows the conditions of release. If the defendant complies with the conditions, he/she will have a misdemeanor record rather than a felony.

Consecutive Sentence: The judge could order the defendant to serve his/her sentences consecutively, which means, the defendant would serve each sentence right after the other.

Concurrent Sentence: The judge could order the defendant to serve his/her sentences concurrently, which means, the defendant would serve each sentence all together.